

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)
v.) No. 2:12-cr-12-04
MELVIN K. HILL)

ORDER

By Order dated August 13, 2019, self- represented Defendant Melvin K. Hill’s motion to set aside judgment (Doc. 288) was granted and Defendant was allowed additional time to object to the Magistrate Judge’s August 21, 2014 Report and Recommendation. (Doc. 343.) A district judge must make a *de novo* determination of those portions of a magistrate judge’s report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The district judge may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b)(1). To date, no objections have been filed.

After careful review of the file and the Magistrate Judge's Report and Recommendation (Doc. 271), no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report. The motions to vacate (Docs. 250, 251) under 28 U.S.C. § 2255 are DENIED.

The court declines to issue a certificate of appealability, which may issue in a § 2255 proceeding “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Generally, a movant meets this burden by demonstrating that “reasonable jurists could debate whether . . . the [motion] should have been resolved in a different manner or that the issues presented [a]re adequate to deserve encouragement to proceed

further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks omitted). Hill has not made this showing, and thus the court will not issue a certificate of appealability.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 8th day of October, 2019.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge